

REMARKS

Claims 1-4, 6, 8-11, 13-17, and 19

In the Office Action, the Examiner rejected Claims 1-4, 6, 8-11, 13-17, and 19 under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Mirville et al. Applicants submit that the Examiner's proposed combination and modification of these references are improper for several reasons.

First, there is no motivation or suggestion to combine the teachings of Brandon and Mirville et al., as suggested by the Examiner, and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art.

Second, the Examiner's proposed modification of Brandon to include the use of an activation code changes the principle of operation of this reference in violation of MPEP § 2143.01. Brandon discloses two different methods of placing a telephone call, neither of which involves retrieving a list of previously called parties in response to the caller dialing a service code. The first way is to lift the handset and dial the telephone number. (Col. 5, lines 59-60.) In that example, a list of previously called parties is *not* retrieved. (Col. 5, lines 59-60.) The second way involves: (1) selecting a database using a directory selector key pad; (2) selecting a page from the database using a page browser or a key pad to spell out the beginning of a name; (3) selecting a record using pointer keys; and (4) depressing the "CALL" key.

Brandon does not disclose or suggest that any of the features disclosed therein can be activated though the dialing of an activation code, such as the one disclosed in Mirville et al. for activating speeding dialing. The Examiner's proposed modification of

whether
key
code -
maybe dir. phone
doesn't have
specific key.
-
Brandon still
a standard phone
any a feature/activation
code.
dial

Third, the Examiner has not provided any support for his assertion that his proposed modification of Brandon and Mirville et al. to include audio messages that are based upon a list of previously called parties is “old and well known in the art,” as required by MPEP § 2144.03. While the Examiner acknowledges that neither Brandon nor Mirville et al. disclose: (i) generating an audio message based on a list of parties previously called by the calling party; or (ii) communicating the audio message to the calling party, the Examiner suggests that Brandon and Mirville et al. can be modified to include these missing elements because such a modification is “old and well known in the art.” Applicants respectfully submit that Examiner has not provided any support for this assertion, as required by MPEP § 2144.03. Accordingly, the Examiner’s proposed modification of Brandon and Mirville et al. to include audio messages is improper, and Claims 1-4, 6, 8-11, 13-17, and 19 are patentable over the proposed combination for this reason as well.

voice mail
- all known is old & messages
peripherals included in one system
- what standard system is at some is already
first a delivery system
- just old messages - audio delivery
called applying of known
new's not necessarily
new's relevant

message to the calling party, the Examiner's proposed modification of Brandon and Mirville et al. to include these missing elements changes the principle of operation of these references in violation of MPEP § 2143.01. Accordingly, the Examiner's proposed modification combination is improper for this reason as well, and Claims 1-4, 6, 8-11, 13-17, and 19 are patentable over the proposed combination for this reason as well.

Claims 5, 7, 12, and 18

Claims 5, 7, 12, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Mirville et al. and further in view of Levine. Because Claims 5, 12, and 18 depend from Claims 1, 8, and 14, they are patentable for at least the reasons stated above.


With respect to Claim 7, it recites, among other things, receiving a vertical service code and a personal identification number from a calling party and, upon receiving the vertical service code and the personal identification number, retrieving a list of parties previously called by the calling party. None of the references cited by the Examiner discloses these limitations. Claim 7 also discloses generating multiple audio messages based on a list of previously called parties, and for these same reasons as those discussed above, Claim 7 is patentable over the Examiner's proposed combination. Therefore, Claim 7 is patentable over the proposed combination for at least these reasons.

Vertical service code is just another option - clear from applicant's div. in '8 - not 'verh. serv. code' just service activation code - it has the same purpose to this is an of conf. preference - that's it.

Vertical code + PIN = serv. code.

In view of the above remarks, Applicants submit that this case is in condition for allowance. If the Examiner feels that a telephone interview would be helpful in resolving any remaining issues, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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